

By: Thompson

H.B. No. 31

Substitute the following for H.B. No. 31:

By: Rodríguez Ramos

C.S.H.B. No. 31

A BILL TO BE ENTITLED

AN ACT

relating to procedures related to juvenile justice proceedings, the treatment of children placed in or committed to a juvenile facility, and certain offenses or conduct committed by a child or by a person placed in or committed to certain juvenile facilities; changing the eligibility for community supervision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 42A, Code of Criminal Procedure, is amended by adding Article 42A.061 to read as follows:

Art. 42A.061. PLACEMENT ON COMMUNITY SUPERVISION PROHIBITED FOR CERTAIN OFFENSES COMMITTED IN CERTAIN JUVENILE FACILITIES. Notwithstanding any other provision of this chapter, a defendant is not eligible for community supervision, including deferred adjudication community supervision, under this chapter for an offense punishable as a felony committed:

(1) when the defendant was at least 17 years of age;  
and

(2) while the defendant was:  
(A) committed to the Texas Juvenile Justice Department;

(B) placed in a halfway house operated by or under contract with the Texas Juvenile Justice Department; or

(C) placed in a secure correctional facility or secure detention facility, as defined by Section 51.02, Family

1 Code.

2       SECTION 2. Section 51.02, Family Code, is amended by adding  
3 Subdivision (7-a) to read as follows:

4       (7-a) "Mitigating evidence" means evidence presented at  
5 a proceeding under this title that:

- 6               (A) reduces the culpability of a child;  
7               (B) is used to assess the growth and maturity of a  
8 child; and

- 9               (C) takes into consideration:  
10               (i) the diminished culpability of children,  
11 as compared to that of adults;  
12               (ii) the hallmark features of youth; and  
13               (iii) the greater capacity of children for  
14 change, as compared to that of adults.

15       SECTION 3. Chapter 51, Family Code, is amended by adding  
16 Sections 51.22, 51.23, and 51.24 to read as follows:

17       Sec. 51.22. USE OF CHEMICAL DISPENSING DEVICE ON PREGNANT  
18 CHILD PROHIBITED. (a) In this section:

19               (1) "Chemical dispensing device" means a device that  
20 is designed, made, or adapted for the purpose of dispensing a  
21 substance capable of causing an adverse psychological or  
22 physiological effect on a human being. The term includes pepper  
23 spray, capsicum spray, OC gas, and oleoresin capsicum.

24               (2) "Juvenile facility" has the meaning assigned by  
25 Section 39.04, Penal Code.

26       (b) An employee, contractor, volunteer, intern, or service  
27 provider working in a juvenile facility may not use a chemical

1 dispensing device against a pregnant child in the facility.

2 Sec. 51.23. ANNUAL USE OF FORCE AUDIT. (a) In this  
3 section:

4 (1) "Chemical dispensing device" has the meaning  
5 assigned by Section 51.22.

6 (2) "Department" means the Texas Juvenile Justice  
7 Department.

8 (3) "Juvenile facility" has the meaning assigned by  
9 Section 39.04, Penal Code.

10 (b) The department shall annually conduct an audit of use  
11 of force incidents to identify patterns, deficiencies, or instances  
12 of noncompliance with de-escalation protocols and the prohibition  
13 on the use of chemical dispensing devices on pregnant children in  
14 juvenile facilities.

15 (c) The administrator of a juvenile facility operated by or  
16 under contract with a juvenile board or other local governmental  
17 unit shall annually report to the department data regarding use of  
18 force incidents in the facility. An administrator shall make the  
19 report required by this subsection in a form and by a date  
20 prescribed by the department.

21 (d) Not later than August 31 of each year, the department  
22 shall deliver a report to the legislature regarding the findings of  
23 the audit conducted under Subsection (b).

24 (e) The department shall timely post on the department's  
25 Internet website the audit findings and aggregate data collected  
26 during the audit.

27 Sec. 51.24. SOLITARY CONFINEMENT; REPORT. (a) In this

1 section:

2 (1) "Department" means the Texas Juvenile Justice  
3 Department.

4 (2) "Juvenile facility" has the meaning assigned by  
5 Section 39.04, Penal Code.

6 (3) "Solitary confinement" means, with respect to a  
7 child in a juvenile facility, the involuntary separation of the  
8 child from other children placed in the facility in an area or room  
9 from which the child is prevented from leaving for a coercive,  
10 disciplinary, punitive, or retaliatory purpose. The term does not  
11 include the involuntary separation of the child for an  
12 administrative, medical, protective, or emergency interventional  
13 purpose in a manner consistent with applicable laws, including  
14 applicable administrative rules.

15 (b) A juvenile facility may not place a child in solitary  
16 confinement unless:

17 (1) the child poses an immediate risk of physical harm  
18 to the child's self or another;

19 (2) placement in solitary confinement does not violate  
20 principles of trauma-informed care and does not interfere with  
21 de-escalation strategies;

22 (3) all other less restrictive methods of addressing  
23 the immediate risk of physical harm have been exhausted; and

24 (4) the child is placed in solitary confinement for a  
25 period that does not exceed the shortest period permitted for  
26 placement of a child in solitary confinement by a state or federal  
27 law, including an administrative rule.

1        (c) The administrator or superintendent of a juvenile  
2 facility shall:

3            (1) create a report documenting each instance a child  
4 in the facility is placed in solitary confinement and include in the  
5 report:

6                    (A) the reason for the placement;

7                    (B) the duration of the placement; and

8                    (C) any intervention attempted before the child  
9 was placed in solitary confinement; and

10            (2) annually submit the report under Subdivision (1)  
11 to the department.

12        (d) The department shall monitor and enforce compliance  
13 with the requirements of this section by regularly auditing and  
14 reviewing juvenile facility practices related to placing children  
15 in solitary confinement.

16        SECTION 4. Section 54.02, Family Code, is amended by  
17 amending Subsections (a), (d), (f), (h), (l), and (n) and adding  
18 Subsections (d-1) and (d-2) to read as follows:

19        (a) The juvenile court may waive its exclusive original  
20 jurisdiction and transfer a child to the appropriate district court  
21 or criminal district court for criminal proceedings if:

22            (1) the child is alleged to have violated a penal law  
23 of the grade of felony;

24            (2) the child was:

25                    (A) 14 years of age or older at the time the child  
26 [he] is alleged to have committed the offense, if the offense is a  
27 capital felony~~[, an aggravated controlled substance felony, or a~~

~~felony of the first degree,~~] and no adjudication hearing has been conducted concerning that offense; or

(B) 15 years of age or older at the time the child is alleged to have committed the offense, if:

(i) the offense constitutes serious felony conduct, as defined by Section 54.04; ~~[is a felony of the second or third degree or a state jail felony,~~] and

(ii) no adjudication hearing has been conducted concerning the ~~[that]~~ offense; and

(3) after a full investigation and a hearing, the juvenile court determines that there is probable cause to believe that the child before the court committed the offense alleged and that because of the seriousness of the offense alleged or the background of the child the welfare of the community requires criminal proceedings.

(d) Prior to the hearing, the juvenile court shall admonish the child in open court and in the presence of the child's attorney regarding:

(1) the court's consideration of waiving its jurisdiction over the child and transferring the child to criminal court for criminal proceedings; and

(2) the child's right to participate or to decline to participate in any diagnostic study, social evaluation, or investigation ordered by the juvenile court under Subsection (d-1).

(d-1) After the admonishment under Subsection (d), the juvenile court shall order ~~[and obtain]~~ a complete diagnostic study, social evaluation, and full investigation of the child, the

1 child's [~~his~~] circumstances, and the circumstances of the alleged  
2 offense and shall set the date of the transfer hearing. If the  
3 child declines to participate in a study, evaluation, or  
4 investigation, the child's attorney shall state the refusal to the  
5 court in open court or in writing not later than the fifth business  
6 day after the date the court ordered the study, evaluation, or  
7 investigation.

8 (d-2) In a hearing under this section, a presumption exists  
9 that it is in the best interest of the child and of justice that the  
10 juvenile court retain jurisdiction over the child. The burden is on  
11 the state to overcome this presumption.

12 (f) In making the determination required by Subsection (a)  
13 of this section, the court shall consider, among other matters:

14 (1) whether the alleged offense was against person or  
15 property, with greater weight in favor of transfer given to  
16 offenses against the person;

17 (2) the sophistication and maturity of the child;

18 (3) the record and previous history of the child;

19 [~~and~~]

20 (4) the prospects of adequate protection of the public  
21 and the likelihood of the rehabilitation of the child by use of  
22 procedures, services, and facilities currently available to the  
23 juvenile court;

24 (5) the substantive requirements for waiving  
25 jurisdiction;

26 (6) relevant information ascertained in the full  
27 investigation of the child; and

1           (7) the benefits or harm of retaining the child in the  
2 juvenile justice system.

3           (h) If the juvenile court waives jurisdiction, it shall  
4 state specifically in the order its reasons for waiver. The  
5 statement of reasons must set forth a rational basis for the waiver  
6 of jurisdiction, with sufficient specificity to permit meaningful  
7 review, and must include case-specific findings of fact that do not  
8 rely solely on the nature or seriousness of the offense. The court  
9 shall ~~and~~ certify its action, including the written order and  
10 findings of the court, and shall transfer the person to the  
11 appropriate court for criminal proceedings and cause the results of  
12 the diagnostic study of the person ordered under Subsection (d-1)  
13 ~~[(d)]~~, including psychological information, to be transferred to  
14 the appropriate criminal prosecutor. On transfer of the person for  
15 criminal proceedings, the person shall be dealt with as an adult and  
16 in accordance with the Code of Criminal Procedure, except that if  
17 detention in a certified juvenile detention facility is authorized  
18 under Section [152.0015](#), Human Resources Code, the juvenile court  
19 may order the person to be detained in the facility pending trial or  
20 until the criminal court enters an order under Article [4.19](#), Code of  
21 Criminal Procedure. A transfer of custody made under this  
22 subsection is an arrest.

23           (1) The juvenile court shall conduct a hearing without a  
24 jury to consider waiver of jurisdiction under Subsection (j).  
25 Except as otherwise provided by this subsection, a waiver of  
26 jurisdiction under Subsection (j) may be made without the necessity  
27 of conducting the diagnostic study ~~[or complying with the~~



1 ~~requirements of discretionary transfer proceedings]~~ under  
2 Subsection (d-1) [~~(d)~~]. If requested by the attorney for the person  
3 at least 10 days before the transfer hearing, the court shall order  
4 that the person be examined pursuant to Section 51.20(a) and that  
5 the results of the examination be provided to the attorney for the  
6 person and the attorney for the state at least five days before the  
7 transfer hearing.

8 (n) A mandatory transfer under Subsection (m) may be made  
9 without conducting the study required in discretionary transfer  
10 proceedings by Subsection (d-1) [~~(d)~~]. The requirements of  
11 Subsection (b) that the summons state that the purpose of the  
12 hearing is to consider discretionary transfer to criminal court  
13 does not apply to a transfer proceeding under Subsection (m). In a  
14 proceeding under Subsection (m), it is sufficient that the summons  
15 provide fair notice that the purpose of the hearing is to consider  
16 mandatory transfer to criminal court.

17 SECTION 5. Section 54.04, Family Code, is amended by  
18 amending Subsection (d) and adding Subsection (s) to read as  
19 follows:

20 (d) If the court or jury makes the finding specified in  
21 Subsection (c) allowing the court to make a disposition in the case:

22 (1) the court or jury may, in addition to any order  
23 required or authorized under Section 54.041 or 54.042, place the  
24 child on probation on such reasonable and lawful terms as the court  
25 may determine:

26 (A) in the child's own home or in the custody of a  
27 relative or other fit person; or

(B) subject to the finding under Subsection (c) on the placement of the child outside the child's home, in:

(i) a suitable foster home;

(ii) a suitable public or private residential treatment facility licensed by a state governmental entity or exempted from licensure by state law, except a facility operated by the Texas Juvenile Justice Department; or

(iii) a suitable public or private post-adjudication secure correctional facility that meets the requirements of Section 51.125, except a facility operated by the Texas Juvenile Justice Department;

(2) if the court or jury found at the conclusion of the adjudication hearing that the child engaged in delinquent conduct that constitutes serious felony conduct [~~violates a penal law of this state or the United States of the grade of felony~~], the court or jury made a special commitment finding under Section 54.04013, and the petition was not approved by the grand jury under Section 53.045, the court may commit the child to the Texas Juvenile Justice Department under Section 54.04013 [~~, or a post-adjudication secure correctional facility under Section 54.04011(c)(1), as applicable,~~] without a determinate sentence;

(3) if the court or jury found at the conclusion of the adjudication hearing that the child engaged in delinquent conduct that included a violation of a penal law listed in Section 53.045(a) and if the petition was approved by the grand jury under Section 53.045, the court or jury may sentence the child to commitment in the Texas Juvenile Justice Department [~~or a post-adjudication~~

~~secure correctional facility under Section 54.04011(c)(2)]~~ with a possible transfer to the Texas Department of Criminal Justice for a term of:

(A) not more than 40 years if the conduct constitutes:

- (i) a capital felony;
- (ii) a felony of the first degree; or
- (iii) an aggravated controlled substance felony;

(B) not more than 20 years if the conduct constitutes a felony of the second degree; or

(C) not more than 10 years if the conduct constitutes a felony of the third degree;

(4) the court may assign the child an appropriate sanction level and sanctions as provided by the assignment guidelines in Section 59.003;

(5) the court may place the child in a suitable nonsecure correctional facility that is registered and meets the applicable standards for the facility as provided by Section 51.126; or

(6) if applicable, the court or jury may make a disposition under Subsection (m) ~~[or Section 54.04011(c)(2)(A)]~~.

(s) In this section, "serious felony conduct" means conduct:

(1) that constitutes an offense under any of the following provisions of the Penal Code:

(A) Section 19.02 (murder);

- (B) Section 19.03 (capital murder);
- (C) Section 19.04 (manslaughter);
- (D) Section 20.03 (kidnapping);
- (E) Section 20.04 (aggravated kidnapping);
- (F) Section 20A.03 (continuous trafficking of  
persons);
- (G) Section 21.02 (continuous sexual abuse of  
young child or disabled individual);
- (H) Section 21.11 (indecent with a child);
- (I) Section 22.011 (sexual assault);
- (J) Section 22.02 (aggravated assault);
- (K) Section 22.021 (aggravated sexual assault);
- (L) Section 22.04 (injury to a child, elderly  
individual, or disabled individual);
- (M) Section 28.02 (arson);
- (N) Section 29.03 (aggravated robbery); or
- (O) Section 49.08 (intoxication manslaughter);
- (2) for which it is shown that a deadly weapon, as  
defined by Section 1.07, Penal Code, was used or exhibited during  
the commission of the conduct or during immediate flight from the  
commission of the conduct; or
- (3) that constitutes habitual felony conduct as  
described by Section 51.031.

SECTION 6. Section 54.04013, Family Code, is amended to read as follows:

Sec. 54.04013. SPECIAL COMMITMENT TO TEXAS JUVENILE JUSTICE DEPARTMENT. (a) Notwithstanding any other provision of this code,

after a disposition hearing held in accordance with Section 54.04 or a hearing to modify a disposition held in accordance with Section 54.05, the juvenile court may commit a child who is found to have engaged in delinquent conduct that constitutes serious felony conduct, as defined by Section 54.04, ~~[a felony offense]~~ to the Texas Juvenile Justice Department without a determinate sentence if the court makes a special commitment finding that the child has behavioral health or other special needs that cannot be met with the resources available in the community. The court should consider the findings of a validated risk and needs assessment and the findings of any other appropriate professional assessment available to the court.

(b) In making a special commitment finding under Subsection (a), the court may consider mitigating evidence of the child's circumstances.

SECTION 7. Sections 54.05(f) and (j), Family Code, are amended to read as follows:

(f) Except as provided by Subsection (j), a disposition based on a finding that the child engaged in delinquent conduct that violates a penal law of this state or the United States of the grade of felony may be modified so as to commit the child to the Texas Juvenile Justice Department ~~[or, if applicable, a post-adjudication secure correctional facility operated under Section 152.0016, Human Resources Code,~~ if the court after a hearing to modify disposition finds by a preponderance of the evidence that the child violated a reasonable and lawful order of the court and makes a special commitment finding under Section

1 54.04013. A disposition based on a finding that the child engaged  
2 in habitual felony conduct as described by Section 51.031 or in  
3 delinquent conduct that included a violation of a penal law listed  
4 in Section 53.045(a) may be modified to commit the child to the  
5 Texas Juvenile Justice Department ~~[or, if applicable, a~~  
6 ~~post-adjudication secure correctional facility operated under~~  
7 ~~Section 152.0016, Human Resources Code,~~] with a possible transfer  
8 to the Texas Department of Criminal Justice for a definite term  
9 prescribed by~~[, as applicable,]~~ Section 54.04(d)(3) ~~[or Section~~  
10 ~~152.0016(g), Human Resources Code,~~] if the original petition was  
11 approved by the grand jury under Section 53.045 and if after a  
12 hearing to modify the disposition the court finds that the child  
13 violated a reasonable and lawful order of the court.

14 (j) If, after conducting a hearing to modify disposition  
15 without a jury, the court finds by a preponderance of the evidence  
16 that a child violated a reasonable and lawful condition of  
17 probation ordered under Section 54.04(q), the court may modify the  
18 disposition to commit the child to the Texas Juvenile Justice  
19 Department under Section 54.04(d)(3) ~~[or, if applicable, a~~  
20 ~~post-adjudication secure correctional facility operated under~~  
21 ~~Section 152.0016, Human Resources Code,~~] for a term that does not  
22 exceed the original sentence assessed by the court or jury.

23 SECTION 8. Section 54.051, Family Code, is amended by  
24 amending Subsections (b), (d), (d-1), (e), (e-2), (f), and (i) and  
25 adding Subsections (f-1) and (f-2) to read as follows:

26 (b) The hearing must be conducted before the person's 19th  
27 birthday~~[, or before the person's 18th birthday if the offense for~~

1 ~~which the person was placed on probation occurred before September~~  
2 ~~1, 2011,~~] and must be conducted in the same manner as a hearing to  
3 modify disposition under Section 54.05.

4 (d) Except as provided by Subsection (f-1), if ~~[If]~~, after a  
5 hearing, the court determines to transfer the child, the court  
6 shall transfer the child to an appropriate district court on the  
7 child's 19th birthday.

8 (d-1) After a transfer to district court under this section  
9 ~~[Subsection (d)]~~, only the petition, the grand jury approval, the  
10 judgment concerning the conduct for which the person was placed on  
11 determinate sentence probation, and the transfer order are a part  
12 of the district clerk's public record.

13 (e) A district court that exercises jurisdiction over a  
14 person transferred under this section ~~[Subsection (d)]~~ shall place  
15 the person on community supervision under Chapter 42A, Code of  
16 Criminal Procedure, for the remainder of the person's probationary  
17 period and under conditions consistent with those ordered by the  
18 juvenile court.

19 (e-2) If a person who is placed on community supervision  
20 under this section violates a condition of that supervision or if  
21 the person violated a condition of probation ordered under Section  
22 54.04(q) and that probation violation was not discovered by the  
23 state before the date the person was transferred to the district  
24 court ~~[person's 19th birthday]~~, the district court shall dispose of  
25 the violation of community supervision or probation, as  
26 appropriate, in the same manner as if the court had originally  
27 exercised jurisdiction over the case. If the judge revokes

community supervision, the judge may reduce the prison sentence to any length without regard to the minimum term imposed by Article 42A.755(a), Code of Criminal Procedure.

(f) Except as provided by Subsection (f-1), the ~~[The]~~ juvenile court may transfer a child to an appropriate district court as provided by this section without a showing that the child violated a condition of probation ordered under Section 54.04(q).

(f-1) If a motion filed under Subsection (a) includes an allegation that, after the child's 18th birthday, the child violated a condition of probation ordered under Section 54.04(q), the juvenile court may hold a hearing to determine whether there is probable cause to believe that the child committed the alleged violation. If the court determines that there is probable cause to believe that the child committed the alleged violation, the court may immediately transfer the child to an appropriate district court.

(f-2) A district court exercising jurisdiction over a child transferred under this section does not have jurisdiction over an alleged violation of a condition of probation known to the juvenile court before the child was transferred to the district court.

(i) If the juvenile court exercises jurisdiction over a person who is ~~[18 or]~~ 19 years of age or older~~[, as applicable,]~~ under Section 51.041 or 51.0412, the court or jury may, if the person is otherwise eligible, place the person on probation under Section 54.04(q). The juvenile court shall set the conditions of probation and immediately transfer supervision of the person to the appropriate court exercising criminal jurisdiction under



Subsection (e).

SECTION 9. Section 41.302, Government Code, is amended to read as follows:

Sec. 41.302. GENERAL FUNCTION OF SPECIAL PROSECUTION UNIT. The special prosecution unit is an independent unit that:

(1) cooperates with and supports prosecuting attorneys in prosecuting offenses and delinquent conduct described by Article 104.003(a), Code of Criminal Procedure; and

(2) participates in a hearing described by Section 41.311.

SECTION 10. Subchapter E, Chapter 41, Government Code, is amended by adding Section 41.311 to read as follows:

Sec. 41.311. HEARING TO RETURN CHILD TO INSTITUTION FOR VIOLATION OF CONDITION OF RELEASE. (a) At the request of the Texas Juvenile Justice Department, a prosecuting attorney serving on the unit may participate in a hearing regarding the return of a child to an institution under Section 245.051(f)(1), Human Resources Code.

(b) Except as provided by Subsection (c) and with the consent of the Texas Juvenile Justice Department, a prosecuting attorney serving on the unit may serve any role in a hearing described by Subsection (a).

(c) A prosecuting attorney serving on the unit may not represent the child or act as a hearing officer under this section.

SECTION 11. Section 38.112(a), Penal Code, is amended to read as follows:

(a) A person who is required to submit to electronic monitoring of the person's location as part of an electronic

1 monitoring program under Article 42.035, Code of Criminal  
 2 Procedure, or as a condition of community supervision, parole,  
 3 mandatory supervision, ~~[or]~~ release on bail, probation imposed by a  
 4 juvenile court, release under supervision under Section 245.051,  
 5 Human Resources Code, or placement in a halfway house operated by or  
 6 under contract with the Texas Juvenile Justice Department commits  
 7 an offense if the person knowingly removes or disables, or causes or  
 8 conspires or cooperates with another person to remove or disable, a  
 9 tracking device that the person is required to wear to enable the  
 10 electronic monitoring of the person's location.

11 SECTION 12. Not later than 180 days after the effective date  
 12 of this Act, the Texas Juvenile Justice Board shall adopt rules  
 13 necessary to implement Sections 51.22, 51.23, and 51.24, Family  
 14 Code, as added by this Act.

15 SECTION 13. (a) Except as otherwise provided by this  
 16 section, this Act applies only to conduct violating a penal law that  
 17 occurs or an offense committed on or after the effective date of  
 18 this Act. Conduct that occurred or an offense committed before the  
 19 effective date of this Act is covered by the law in effect at the  
 20 time the conduct occurred or the offense was committed, and the  
 21 former law is continued in effect for that purpose. For the  
 22 purposes of this section, conduct occurred or an offense was  
 23 committed before the effective date of this Act if any element of  
 24 the conduct or offense occurred before that date.

25 (b) Sections 54.02(d-2), 54.04013, and 54.05, Family Code,  
 26 as amended by this Act, and Section 41.311, Government Code, as  
 27 added by this Act, apply only to a hearing that occurs on or after

1 the effective date of this Act. A hearing that occurs before the  
2 effective date of this Act is governed by the law in effect at the  
3 time the hearing occurred, and the former law is continued in effect  
4 for that purpose.

5 (c) Section 54.02(h), Family Code, as amended by this Act,  
6 applies only to an order of a juvenile court waiving jurisdiction  
7 and transferring a child to criminal court that is issued on or  
8 after the effective date of this Act. An order of a juvenile court  
9 waiving jurisdiction and transferring a child to criminal court  
10 that is issued before the effective date of this Act is governed by  
11 the law in effect on the date the order was issued, and the former  
12 law is continued in effect for that purpose.

13 (d) Section 54.051, Family Code, as amended by this Act,  
14 applies to a child placed on probation on or after the effective  
15 date of this Act, regardless of whether the conduct for which the  
16 child was placed on probation was committed before, on, or after the  
17 effective date of this Act.

18 (e) Section 38.112, Penal Code, as amended by this Act,  
19 applies only to an offense committed under that section or conduct  
20 violating that section that occurs on or after the effective date of  
21 this Act. An offense committed or conduct that occurred before that  
22 date is governed by the law in effect on the date the offense was  
23 committed or the conduct occurred, and the former law is continued  
24 in effect for that purpose. For purposes of this section, an  
25 offense was committed or conduct occurred before the effective date  
26 of this Act if any element of the offense or conduct occurred before  
27 that date.

1       SECTION 14.   This Act takes effect September 1, 2025.